

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

2018 AUG 14 PM 3:06

CLERK

BRENT DESRANLEAU,
Plaintiff,

v.

PROGRESSIVE INSURANCE
COMPANY,
Defendant.

CIVIL ACTION NO.

2:18-cv-133 AW

DEPUTY CLERK

COMPLAINT

Plaintiffs, through counsel Affolter Gannon, 15 Brickyard Road, Essex
Junction, Vermont, complain as follows:

PARTIES

1. Plaintiff, Brent Desranleau, is a resident of Grand Isle County, Vermont.
2. Defendant Progressive Insurance Company is a corporation doing business in the State of Vermont with its principal place of business in the State of Ohio.

JURISDICTION AND VENUE

3. The amount in controversy exceeds \$75,000, exclusive of interest and costs.
4. This Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).
5. Venue is proper pursuant to 28 U.S.C. § 1391(a)(2), since the events giving rise to Plaintiff's claim occurred in the District of Vermont.

CAUSE OF ACTION - UNDERINSURED MOTORIST COVERAGE

6. On June 6, 2016, Krista Dy negligently drove her motor vehicle causing an accident with Plaintiff Desranleau's vehicle.

7. As a proximate result of Krista Dy's negligence, Plaintiff incurred, and continues to incur, medical bills and economic loss. Mr. Desranleau also experienced, and continues to experience, pain, suffering, and loss of normal function.
8. Plaintiff's damages exceed \$50,000 in value.
9. Ms. Dy had limits of liability coverage through her insurer, Geico Insurance Company of \$50,000.
10. With the consent of Defendant Progressive, the Plaintiff settled his claims against Krista Dy in exchange for payment by Ms. Dy's insurer for \$47,500.00.
11. As all times relevant, Defendant Progressive provided underinsured motorist coverage to the Plaintiff.
12. Defendant has a contractual obligation to compensate Plaintiff for his pain, suffering, loss of normal function and stress medical bills and economic loss.
13. Plaintiff demands judgment against Defendant in an amount which will compensate him for pain and suffering and permanent injury along with the medical bills, economic loss and loss of quality of life, together with interest and costs and such other additional relief as the Court may deem just and proper.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendant in an amount sufficient to compensate for her losses, and any and all other relief deemed just.

JURY DEMAND

Plaintiff requests a trial by jury on all issues.

Essex Junction, Vermont, this 8th day of August, 2018.

AFFOLTER GANNON
Attorneys for Plaintiff

By:

A handwritten signature in black ink, appearing to read "MJG", is written over a horizontal line.

Michael J. Gannon, Esq.
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